

complaint

Ms M complains that Vanquis Bank Limited gave her incorrect information about her account. Then it charged her fees that were illegal and put incorrect information on her credit file and when she tried to get an explanation from it, she was ignored.

She wants it to remove the information it has registered on her credit file about the late payments and to apologise for its behaviour.

background

Ms M said Vanquis told her in June 2014 that the account was closed. She accepted this but couldn't see why this has happened as she'd not asked it to do this.

Then in December 2014 she moved. She said she told Vanquis about her change of address by 'phone and letter too.

In February 2015 she spent on the card. However, she said this was by mistake and she had no way of knowing because she didn't have access to her online account and wasn't getting paper statements. And anyway she thought the account was closed.

It was a horrible surprise for her to find out in June 2015 that Vanquis was asking her for money. As far as she knew she owed it nothing. And then when she asked it to explain itself it wouldn't.

Vanquis said it never told Ms M the account was closed. The account remained open all throughout the relevant time and she always had access to her online account where she could've checked her statements. It said she never told it about her change of address.

It said she spent on her account in February 2015 but didn't make her contractual payments. So it charged her late payment fees as it is entitled to do according to the account terms and conditions. It also registered the late payments on her credit file as it said it's obliged to do. Further it couldn't locate her so had to put a trace on her. When it found her it told her what it'd done and answered all her queries.

Our adjudicator didn't recommend that Ms M's complaint should be upheld.

Vanquis accepted this recommendation. Ms M didn't and asked that an ombudsman review her complaint.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I've finished looking at Ms M's complaint. I can see that she's very upset about it and I'm sorry to see that. But I don't think it is fair and reasonable to uphold her complaint. I explain below why I think this is the correct conclusion.

I've got two different versions of events. When that happens I've got to base my decision on what I think is most likely to have happened.

Everything started to go wrong from June 2014. There'd been a mix-up with Ms M's payments and she didn't think at first she'd got a refund. I can see that's what happened as both parties agree about this.

What I don't see in Vanquis' records is that it told her the account was closed. I'm not sure why it would've done this. And I don't see why, in the circumstances, its records would be inaccurate. So I think it's unlikely Vanquis told Ms M her account was closed.

That said, Ms M may well have thought the account was closed as she didn't spend on the account between July 2014 and January 2015 and before this period of non-spending she'd been spending on the card on a regular basis. That said, it's difficult to understand why she told Vanquis in December 2014 that she'd moved. If she thought the account was closed, there was no need for her to tell Vanquis about her change of address.

Unfortunately, without intending to, Ms M then used the card in February 2015. I know Ms M says she had no way of knowing this - that's why she says she didn't pay Vanquis the money she owed. However, I can't fairly blame Vanquis for this; it didn't have her address to send her information to tell her she'd missed payments. And she still had access to her online account even if she didn't know this. Further, I think the onus was on her to check what card she was using to pay for things.

Vanquis says in these circumstances it's allowed to add charges to her account. I know Ms M thinks this is illegal. But I think Vanquis acted in line with the terms and conditions of the account. Ms M agreed to these when she opened the account. So it's not fair or reasonable for me to tell Vanquis now to write off these charges in these circumstances.

Further, Ms M didn't make the repayments she should've done. Vanquis is obliged to register true and accurate information with the credit reference agencies. This is what it did. I've no proper basis to say it should now remove this information.

Ms M says Vanquis didn't respond to her queries. But I've seen Vanquis' records of its calls and its letters of June and August 2015 which did answer the points she raised about why it was saying she owed it money.

For all of these reasons I don't think it is fair or reasonable to ask Vanquis to take any further action.

my final decision

My final decision is that I don't uphold Ms M's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms M to accept or reject my decision before 22 February 2016.

Joyce Gordon
ombudsman